

<b>TITLE: USE OF FORCE</b>	<b>NUMBER 1.6</b>
<b>EFFECTIVE DATE: 01-15-2018</b>	<b>PAGE 1 OF 11</b>
<b>REVISION HISTORY: (Adopted 09-01-1994) R17/01-15-2018</b>	

### 1.6.1 USE OF FORCE

When a situation exists, wherein an officer determines there is a reasonable belief of the need to use force upon another person, all such uses of force will comply with the provisions of North Carolina General Statute 15A-401(d). This Statute allows that officers are justified in using force upon another person:

- When the officer reasonably believes the force is necessary.
- And to the extent the officer reasonably believes the force is necessary.

Officers may use this reasonable force to:

- Prevent the escape, or effect the arrest of, a person whom the officer reasonably believes has committed a criminal offense. This provision does not apply to any arrest which the officer knows to be unauthorized.
- Defend himself, or other person, from what the officer reasonably believes is the use, or imminent use of, physical force. This provision applies to situations where an officer is effecting or attempting to effect an arrest, or while the officer is preventing or attempting to prevent an escape.

“Imminent” is defined as an event that is about to occur at any moment.

“Immediate danger” is defined as a danger that is about to occur at any moment.

Officers will rely on the standards as set forth in **N.C.G.S. 15A-401(d)(2)** to determine if the use of deadly force is appropriate. **N.C.G.S. 15A-401(d)(2)(a and b)** allows that officers are justified in using deadly force upon another person when the officer reasonably believes deadly force is necessary:

- To defend the officer, or another person, from what the officer reasonably believes to be the use or imminent use of deadly physical force.
- To effect the arrest, or prevent the escape from custody of, a person whom the officer reasonably believes is attempting to escape by means of a deadly weapon.
- To effect the arrest, or prevent the escape from custody of, a person whom the officer reasonably believes presents an imminent threat of death or serious physical injury to others unless apprehended without delay.

**N.C.G.S 15A-401(d)(2)(c)** speaks to the use of deadly force by an officer to “prevent the escape of a person from custody imposed upon him as a result of conviction for a felony”. This provision is written primarily for prison and jail staffs and **will not** be considered by Greensboro Police Department Officers when determining if the use of deadly force is appropriate.

### 1.6.2 SUBJECT CONTROL OPTIONS

The subject control options and definitions listed below are intended as a guide. An officer's decision to utilize any force in a situation is a response to the behavior of the subject(s) involved, and all relevant factors known to the officer. The subject control options do not necessarily follow a preset order of escalation. An officer must continually assess the totality of the circumstances and escalate, de-escalate, or completely cease any force utilized appropriately.

Officers will not utilize any force option punitively or as a means of improper coercion.

- **Presence:** a form of psychological force established through the officer's appearance and demeanor at a scene.
- **Verbal Direction/Control:** the verbiage utilized by an officer to control or de-escalate a situation.
- **Physical Control:** the use of bodily contact to physically move or control the movement of another person.
- **Physical Control through Pain/Discomfort/Distraction:** the use of;
  - a. "soft" hand techniques such as the application of pressure through joint locks and pressure points
  - b. "hard" hand techniques such as punches, kicks or stuns. NOTE: Stunning techniques to the neck (brachial plexus origin) are appropriate in cases of an aggressive assault and/or high level of resistance of such a manner the assault/resistance approaches a situation in which deadly force would be appropriate.
- **Aerosol/Chemical Agents:** the use of Oleoresin Capsicum or other chemical agents to control resistance and/or end flight.
- **Conducted Electrical Weapon (CEW):** a device which deploys electric current into a subject's body to affect the central nervous system.
- **Intermediate Weapons:** impact weapons utilized in a manner consistent with current departmental training, in order to reduce the probability of serious bodily injury. This includes the ASP, baton, flashlight, police bicycle and specialized impact munitions.
- **PepperBall System:** Uses both direct impact of a small projectile (similar to a paintball) and a chemical irritant (Similar to OC) to incapacitate a subject. The PepperBall system can also be used to saturate an area around a subject with the chemical irritant. The use of the PepperBall System is considered a less lethal use of force.
- **Precision Immobilization Technique (PIT):** a maneuver which may be utilized by properly trained officers which involves the controlled striking of a violator vehicle with a police vehicle. The PIT is considered a less lethal use of force when performed as described by the training guidelines of the Greensboro Police Department. If exigent circumstances warrant the striking of a violator vehicle outside the established training guidelines, this action may be considered as a use of deadly force.

- **Police Canine:** canine handlers will utilize their assigned police service dogs in a manner consistent with departmental training and guidelines. If the police canine is deployed, and the canine bites a suspect, this will be considered a less lethal use of force. The mere release of police canine is not considered a use of force.
- **Deadly Force:** an action likely to cause death or serious bodily injury, including the use of lethal weapons.

The following situations are examples of reportable uses of force:

- The striking of any person
- The use of OC spray on a person
- The use of chemical agents
- The use of any other less lethal weapon (CEW, less lethal munitions, etc.)
- The application of physical control or restraint resulting in injury
- The use of the Precision Immobilization Technique
- Police canine bite
- Deadly Force

Mere physical restraint is defined as physically overpowering without striking or using weapons. Scuffling, holding, tackling, or the application of assisted come-alongs, etc., may or may not be mere restraint, depending on the circumstances. Whenever doubt exists as to whether the level of restraint/control used constitutes a reportable use of force, an immediate supervisor will be notified of the incident and the supervisor will make the determination.

An officer shall not deliberately strike another person with any impact weapon, whether an issued weapon or an environmental weapon, on the head, in the groin, solar plexus, throat, kidneys or on the spinal column unless the officer reasonably believes a situation exists in which deadly force would be appropriate to protect himself, or a third party.

While using force may be necessary, it must also be reasonable in the subject control option utilized and the manner in which it is used, for the level of resistance being offered.

### **1.6.3 SUBJECT RESISTANCE LEVELS**

A subject may exhibit various types of resistance levels during the arrest process. The type and level of resistance, the behavior of the subject(s) involved, and all relevant factors known to the officer making the arrest will be considered by the officer in determining the appropriate use of force.

Even when non-compliance with police commands is accompanied by non-violent physical resistance, these circumstances alone do not automatically create a threat to an officer's safety.

- **Passive Resistance** – Non-compliance with the officer’s verbal commands, but no overt or physical acts to prevent the officer from making the arrest. For example, when a subject is taken into custody, goes limp, and must be carried away.
- **Active Resistance** – The suspect is taking some type of physical action to prevent his arrest, but is not assaulting or attempting to assault the officer. For example, when a subject is twisting or pulling their hands away, holding onto a fixed object, or running away.
- **Active Aggression**– The suspect is taking some type of physical action that poses a risk of immediate danger to the officer, another person or themselves. For example, when a subject is punching, kicking, or striking and the subject has the immediate means to injure an officer, another person, or themselves.
- **Aggravated Active Aggression**– The suspect is taking some type of physical action that is likely to cause serious injury or death. For example, when a subject is discharging a firearm, using a blunt or bladed weapon, or otherwise using extreme physical force.

#### **1.6.4 USE OF DEADLY FORCE**

An officer may use his firearm, or other deadly force, upon another person when the officer reasonably believes the deadly force is necessary:

- To defend the officer, or another person, from what the officer reasonably believes to be the use or imminent use of deadly physical force.
- To effect the arrest, or prevent the escape from custody of, a person who the officer reasonably believes is attempting to escape by means of a deadly weapon.
- To effect the arrest, or prevent the escape from custody of, a person who the officer reasonably believes presents an imminent threat of death or serious physical injury to others unless apprehended without delay.

Deadly force is that force which, if used, is likely to inflict serious bodily injury or death. Serious bodily injury is that which creates a substantial risk of death. It may cause serious permanent disfigurement or result in long-term loss of the function of a bodily member or organ.

Reasonable belief is that set of facts or circumstances that would cause a reasonable person in the officer's position to believe it was actually or apparently necessary to use the force which was actually used.

In the event an officer is involved in a use of deadly force incident, he will be reassigned and evaluated in a manner consistent with the provisions of Departmental Directive 8.2.

#### **1.6.5 IMPROPER USE OF FIREARMS OR OTHER DEADLY FORCE**

Officers will be subject to disciplinary action if the use of a firearm or other deadly force involves:

- A violation of the law by the officer

- A violation of Departmental rules
- Disregard for public safety
- Misconduct on the officer's part
- Accidental discharge through carelessness or recklessness
- Firing of "warning shots". Warning shots are prohibited.
- Other poor judgment involving the use of a firearm or other deadly force

#### **1.6.6 MEDICAL ASSESSMENT**

Whenever an officer uses force on an individual in custody, the officer will ensure the individual receives appropriate medical treatment as outlined in Departmental Directive 11.1.5. If an individual is affected by a use of police force, and is not in-custody, officers will make reasonable efforts to ensure any associated medical issues are addressed.

#### **1.6.7 SUBJECT CONTROL WEAPONS**

It is the policy of the Greensboro Police Department that no employee will be allowed to carry any weapon authorized for use by this Directive until they have received instruction on all relevant use of force policies, received instruction related to the use of the weapon and successfully demonstrated proficiency in the use of the weapon. The Training Division will maintain the documentation related to the receipt of policy, the training delivered and proficiency testing.

##### **A. IMPACT WEAPONS**

##### **BATON/ASP**

The baton or ASP, when properly employed for subject control, provides a means to disrupt resistance to apprehension with very low risk of lethal or serious injury to the officer, bystanders, or the person resisting apprehension.

Use of the baton or ASP will conform to current methods and techniques, as approved by the Training Division.

##### **FLASHLIGHT**

A rechargeable flashlight is primarily issued to officers for use as an illumination device. When necessary however, the rechargeable flashlight may be used as an impact weapon. The rechargeable flashlight is not intended to replace any other departmentally issued subject control equipment, but its use as such may be appropriate when the officer cannot safely or practically obtain one of his other subject control weapons.

Those officers who are not issued a rechargeable flashlight are authorized to use a push-button flashlight constructed of aluminum or high impact plastic having a weight not to exceed 22 ounces without the batteries.

Use of the flashlight for subject control will conform to current methods and techniques as approved by the Training Division. Officers may use the flashlight as an impact weapon only after completing and demonstrating competency in the Greensboro Police Department's approved training course.

### **POLICE BICYCLE**

A police bicycle is primarily issued to an officer as a mode of transportation while the officer is engaged in a specific assignment. When necessary however, a police bicycle may be used as an impact weapon. A bicycle is not intended to replace any other departmentally issued subject control equipment, but its use as such may be appropriate when the officer cannot safely or practically obtain one of his other weapons. Any use of a police bicycle as an impact weapon will conform to current methods and techniques, as approved by the Training Division.

### **LESS LETHAL MUNITIONS**

The Special Response Team is issued less lethal impact munitions for use by members of the team who have been trained in their use. These munitions will be utilized in a manner consistent with the Standard Operating Procedures of the Special Response Team. Selected Patrol Supervisors and Civil Emergency Unit Members are also issued less lethal impact munitions. These munitions will be utilized in a manner consistent with the Standard Operating Procedures and training.

An officer shall not deliberately strike another person with any impact weapon, whether an issued weapon or an environmental weapon, on the head, in the groin, solar plexus, throat, kidneys or on the spinal column unless the officer reasonably believes a situation exists in which deadly force would be appropriate to protect himself or another person.

Any officer striking a person with an impact weapon will ensure the person immediately receives the appropriate medical assessment and treatment as soon as the officer may safely do so. The intentional striking of a person with any impact weapon is considered a reportable use of force requiring supervisory notification and an administrative investigation.

PepperBall System: PepperBall Projectiles are plastic spheres that are filled with a chemical irritant which is very similar to Oleoresin Capsicum (OC) powder. A high-pressure air launcher delivers the projectiles with enough force to burst the projectiles on impact, releasing the irritant. PepperBall systems are capable of accurately delivering the balls to center mass of a subject at a maximum range of 60-feet or area saturation up to 150 feet. During Area saturation the officer will target hard surfaces near the suspect(s). Striking those surfaces will cause the PepperBall to burst dispersing the chemical irritant into the air around the suspect(s). Although not preferred, the system can be discharged with no standoff distance. Initial PepperBall deployment is 4 to 6 rounds. The operator will evaluate the effectiveness and re-deploy if not effective. Officers on-scene should be prepared for additional force options should the PepperBall system be ineffective.

Officers should obtain supervisory authorization prior to use of the PepperBall system unless exigent circumstances exist.

Although classified as a less-lethal device, the potential exists for the PepperBall projectiles to inflict injury when they strike the face, eyes, neck, and groin. Therefore, officers deploying the PepperBall system shall avoid intentionally striking those body areas unless a life-threatening situation exists.

If a suspect is exposed to just the irritant powder the officer will follow OC decontamination procedures. If the suspect is impacted with the PepperBall round then they will be medically evaluated and taken to the hospital upon the suspects request or at the advice of the medical provider.

## **B. PEPPER SPRAY/PEPPER FOAM/PEPPER FOG**

Pepper Spray, or Oleoresin Capsicum (OC), provides a means to disrupt resistance to apprehension with very low risk of lethal or serious injury to the officer, bystanders, or the person resisting apprehension. It disperses a scattered pattern of cayenne pepper particles suspended in a liquid carrier. This mixture is a chemical irritant which has a proven history of effectiveness in its intended purpose and very low risk of the mixture causing harm when applied to a person.

The function of Pepper Spray is to irritate the eyes, nose, mouth and skin of a person when applied, which in most cases will temporarily reduce or eliminate the ability of a person to successfully and dangerously resist apprehension. Pepper Spray permits an officer to disrupt resistance in a manner which is reasonably expected to reduce the need for other potentially dangerous methods of apprehension or use of impact weapons. Pepper Spray can be used when:

- Physical restraint of a person is not reasonable or practical, and it is necessary to bring the person under control;
- It is needed to prevent any person from being attacked by a dog.

For any person affected by Pepper Spray, whether intentionally or accidentally, as soon as conditions of safety will permit, the officer shall immediately:

- Reassure the affected person(s) that the effects of the product are temporary and will subside within a short period of time; and
- Ask the affected person(s) if they are asthmatic, have any other respiratory disease, or are abnormally sensitive to pepper products.

The person will then be taken directly to the nearest controlled water facility to allow them to flush the affected area(s). Officers should monitor persons on whom pepper spray has been used for any signs of unusual or allergic reaction, difficulty in breathing, or any type of medical distress. Should this occur, or if the individual requests, they will be transported to a hospital to ensure that the appropriate medical treatment is obtained as outlined in D.D. 11.1.5.

In the event of an accidental discharge, the contaminated body areas should be flushed with cold water. Salves, greases, or oil should not be applied to the affected areas. Avoid rubbing or touching affected areas with the hands.

Officers performing any police function will not carry any chemical agent or similar weapon, except the one issued by the Department. Officers are prohibited from using Pepper Spray for any purpose other than those set forth in this directive. Officers are cautioned against using Pepper Spray in a crowd control situation except when necessary.

For Pepper Spray to be most effective, an officer should dispense the spray across the face of the intended target in bursts of one or two seconds. Officers should remember that even with proper application, the effects of Pepper Spray to effectively disrupt a person resisting apprehension may not be immediate and the desired effects of Pepper Spray may be diminished, or totally absent, in

persons who are under the influence of an impairing substance, enraged, mentally challenged, insensitive to pepper products or wearing glasses. In these instances, officers should be alert for the intended target to react with violence toward the officer applying the Pepper Spray.

The use of Pepper Spray for subject control will conform to current methods and techniques as approved by the Training Division. The use of Pepper Spray on another person in an intentional manner is considered a reportable use of force requiring supervisory notification and an administrative investigation.

### **OTHER CHEMICAL MUNITIONS**

Selected Patrol Supervisors, CEU personnel and SRT personnel are issued other chemical munitions such as CS or CS/OC blends. These chemical munitions are utilized primarily in crowd control situations. They will be used in a similar manner as pepper spray.

Use of crowd control chemical munitions is a reportable use of force even if no one is arrested.

### **C. CONDUCTED ELECTRICAL WEAPON**

Deploying a Conducted Electrical Weapon (CEW) is a serious use of force. A CEW will be deployed only in response to a situation in which a reasonable officer would perceive some immediate danger that could be mitigated by using a CEW. The CEW will be carried and deployed only by departmental personnel who have been properly trained in its use. Any use of a CEW will conform to the current methods and techniques as approved by the Training Division.

**CEWs are limited to use against subjects who are exhibiting active aggression or who are actively resisting in a manner that in the officer's judgment is likely to result in injury to the officer, another person, or themselves. The CEW will not be used on a passive subject.**

#### **Definitions:**

- Spark Display- The cartridge is removed from the unit and the CEW is activated to demonstrate its ability to discharge electricity. The purpose of the spark display is to convince a subject to comply with the officer without the need for further force.
- Drive Stun- The cartridge is removed or the probes have been previously discharged from the unit. Contact with the target subject is made with the front of the CEW or cartridge, and the CEW is activated. Use of the CEW in this manner causes localized pain in the area contacted, but does not affect the central nervous system, unless the area contacted is a motor nerve point location or at least one of the probes is close to or touching the subject.
- Probe Deployment- The cartridge is discharged from the unit causing the probes to make contact with the target subject. The CEW is then activated as needed to discharge electric current into the subject. When properly used in this manner, the CEW affects the central nervous system causing motor skill dysfunction.

#### **Some examples of situations when the CEW may be used in accordance with Section C:**

- **When confronted with a subject(s) armed with knives, bottles, or other objects other than a firearm, and where the subject(s) pose an imminent threat to officers or citizens;**



- **When attempting to control violent persons who may be under the influence of drugs and/or alcohol and are exhibiting aggressive behavior, or subjects whose aggressive behavior indicates that other subject control options may reasonably result in injury to the subject(s) or officers. A guide to determining whether a subject is exhibiting “Aggressive Behavior” is included in the Administrative Investigation Reference Guide. (See “Use of Force Decision Factors”).**
- **When a subject resists arrest and has the apparent ability to retrieve a weapon, and the officer reasonably believes the subject has access to a weapon.**
- **When confronted with a person expressing intent to commit suicide and the person has the immediate and reasonable means to commit suicide.**

When feasible, officers will verbally warn a subject(s) before discharging the CEW.

Absent compelling, clearly articulable reasons; the CEW should not be deployed for more than two 5 second cycles (this includes deployments by multiple officers) and should not exceed 5 seconds duration for any cycle. In all circumstances, the officer must be able to articulate the justification for the initial CEW deployment, and each additional cycle as well. Prior to any additional deployments of the CEW, the officer will assess the effectiveness of the CEW after the prior deployments.

Officers will attempt to avoid discharging the CEW upon sensitive areas of the body such as the face, groin, or breast area on females. The neck area shall not be intentionally targeted in the probe deployment mode.

**In any situation, the CEW will not be used:**

- **When the officer cannot, for safety or other reasons, approach the subject to within the effective range of the CEW.**
- **In the proximity of flammable liquids, gases, or any other highly combustible materials that may be ignited by the device, including any individual that the officer knows, or should know, may have been exposed to combustible substances or liquids such as gasoline.**
- **In situations where deadly force is the most reasonably necessary option, unless another officer is in position to use deadly force against the subject.**
- **Solely to prevent the escape of a subject who is otherwise not displaying active aggression towards the officer or others.**

In less than lethal force situations, the CEW will not be used:

- On persons who do not pose an imminent threat of physical harm to officers, themselves, or others.
- When the target subject is in a position where a fall may reasonably be expected to cause serious injury or death unless deadly force is authorized.
- Punitively or as a means of coercion.

- To awaken unconscious or impaired persons.
- In less than lethal force situations, officers should be cognizant if the subject is visibly pregnant, at the extremes of age, or of small stature and consider other less than lethal force options before deploying the CEW.
- On persons operating a motor vehicle.
- Absent compelling, clearly articulable reasons; the CEW will not be used in the drive stun mode with the cartridge removed as a pain compliance tool. The CEW may be used in the drive stun mode when the cartridge is still attached and is used only to complete the NMI (neuro-muscular incapacitation) circuit once probes have been discharged.

When the CEW is used in any manner, (other than spark display) treatment and examination of the target subject by medical personnel is required. When the CEW is used in the probe deployment mode, the officer will ensure that any probes remaining attached to a person's skin are removed by EMS personnel. If the probes are attached to a person on a sensitive area of the body such as the face, neck, groin, or breast area on females, the officer will transport the person to a medical facility for removal of the probes.

If it appears that the probes did not make contact and medical treatment is not sought, the officer must examine the discharged probes and determine if they are still intact. If a piece of the probe is embedded in the subject, medical treatment will be obtained.

A spark display of the CEW is not a reportable use of force. Use of the CEW in the drive stun mode to complete NMI or probe deployment mode is a reportable use of force. The supervisor completing the use of force report will also complete an "Advanced CEW Usage Report". The supervisor will ensure appropriate photographs are made of the probe impact and/or drive stun area, and of any other injuries related to the deployment of the CEW.

Should a negligent discharge of the CEW occur, the officer without unreasonable delay must contact their immediate supervisor. The supervisor will submit a memo to their Commanding Officer detailing the circumstances of the discharge.

Officers will routinely test spark their issued CEW in accordance with the manufacturer's recommendation.

#### **1.6.8 REPORTING AND DOCUMENTATION OF USE OF FORCE**

Whenever an employee uses force against another person, immediate notification of the employee's supervisor is required. It is the responsibility of the supervisor to make a thorough investigation of the incident and to forward a report as required. The use of force report will be forwarded through the employee's chain of command. Each member responsible for reviewing the report will review the report to ensure the investigation is complete and any findings are consistent with Departmental procedure and applicable State Statutes. Any member charged with reviewing a use of force report may remit the report back to the originating supervisor for further action as deemed necessary.

The supervisor will enter the information regarding each use of force into the 24 Hour Summary on GPDNET prior to ending their tour of duty.

<b>TITLE: USE OF FORCE</b>	<b>NUMBER 1.6</b>
	<b>PAGE 11 OF 11</b>

A documented annual analysis of the Department's previous year's use of force incidents will be conducted on a calendar year basis by the Professional Standards Division.

The analysis will be forwarded to the Chief of Police and Training Division with recommendations related to any identified training issues, equipment needs or departmental policy/practice revisions. Further action regarding these recommendations will be at the direction of the Chief of Police.